

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SPV OSUS LTD.,

Plaintiff,

-against-

HSBC HOLDINGS PLC, HSBC BANK PLC,  
HSBC BANK USA, NA, HSBC USA INC., HSBC  
SECURITIES SERVICES (BERMUDA) LIMITED,  
HSBC INSTITUTIONAL TRUST SERVICES  
(BERMUDA) LIMITED, HSBC BANK  
BERMUDA LIMITED, HSBC SECURITIES  
SERVICES (LUXEMBOURG) S.A., HSBC BANK  
(CAYMAN) LIMITED, HSBC PRIVATE  
BANKING HOLDINGS (SUISSE) S.A., HSBC  
PRIVATE BANK (SUISSE) S.A., HSBC FUND  
SERVICES (LUXEMBOURG) S.A., SONIA  
KOHN, MARIO BENBASSAT, ALBERTO  
BENBASSAT, STEHPANE BENBASSAT, 20:20  
MEDICI AG, UNICREDIT BANK AUSTRIA AG,  
BA WORLDWIDE FUND MANAGEMENT LTD.,  
UNICREDIT S.P.A., HERALD ASSET  
MANAGEMENT LIMITED, EUROVALEUR,  
INC., PIONEER ALTERNATIVE INVESTMENT  
MANAGEMENT LIMITED, ALPHA PRIME  
ASSET MANAGEMENT LTD., REGULUS ASSET  
MANAGEMENT LIMITED, CARRUBA ASSET  
MANAGEMENT LIMITED, TEREOTRUST  
COMPANY LIMITED, GENEVALOR,  
BENBASSAT ET CIE, HERMES ASSET  
MANAGEMENT LIMITED, THEMA ASSET  
MANAGEMENT (BERMUDA) LTD., THEMA  
ASSET MANAGEMENT LIMITED, EQUUS  
ASSET MANAGEMENT LIMITED, EQUUS  
ASSET MANAGEMENT PARTNERS, L.P.,  
AURELIA FUND MANAGEMENT LIMITED,  
INTER ASSET MANAGEMENT INC., T+M  
TRUSTEESHIP & MANAGEMENT SERVICES  
S.A., GTM MANAGEMENT SERVICES CORP.  
N.V., AURELIA ASSET MANAGEMENT  
PARTNERS, CAPE INVESTMENT ADVISORS  
LIMITED and ERWIN KOHN,

Case No. 18-3497 (AJN)

**ORAL ARGUMENT  
REQUESTED**

Defendants.

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**NOTICE OF MOTION TO DISMISS**

PLEASE TAKE NOTICE that, upon the accompanying Defendants' Memorandum of Law in Support of Their Motion to Dismiss, the Declaration of Thomas J. Moloney, dated September 21, 2018, and the exhibits appended thereto, the supplemental memoranda of law filed by individual Defendants, and all prior pleadings and proceedings herein, pursuant to Rules 9(b), 12(b)(1), 12(b)(2), and 12(b)(6) of the Federal Rules of Civil Procedure, Defendants<sup>1</sup> will move this Court, at a date and time to be determined by the Court, for an order dismissing, with prejudice, the complaint filed by plaintiff SPV OSUS Ltd. on December 11, 2014, as amended on August 15, 2018, and corrected on August 20, 2018.

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<sup>1</sup> Defendants are HSBC Holdings plc; HSBC Bank plc; HSBC Bank USA, NA; HSBC USA Inc.; HSBC Securities Services (Bermuda) Limited; HSBC Institutional Trust Services (Bermuda) Limited; HSBC Bank Bermuda Limited; HSBC Securities Services (Luxembourg) S.A.; HSBC Bank (Cayman) Limited; HSBC Private Banking Holdings (Suisse) S.A.; HSBC Private Bank (Suisse) S.A.; Unicredit Bank Austria AG; UniCredit S.p.A.; Pioneer Alternative Investment Management Limited, now known as PAI Management Limited; Alpha Prime Asset Management Ltd.; Regulus Asset Management Limited; Carruba Asset Management Limited; Tereo Trust Company Limited; Hermes Asset Management Limited; Thema Asset Management (Bermuda) Ltd.; Thema Asset Management Limited; Equus Asset Management Limited; Equus Asset Management Partners, L.P.; Aurelia Fund Management Limited; T+M Trusteeship & Management Services S.A.; and Cape Investment Advisors Limited.

Dated: New York, New York  
September 21, 2018

Respectfully submitted,

CLEARY GOTTLIEB STEEN & HAMILTON LLP

By: /s/ Thomas J. Moloney  
Thomas J. Moloney

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HSBC Bank USA, NA, HSBC USA Inc., HSBC  
Securities Services (Bermuda) Limited, HSBC  
Institutional Trust Services (Bermuda) Limited,  
HSBC Bank Bermuda Limited, HSBC Securities  
Services (Luxembourg) S.A., HSBC Bank (Cayman)  
Limited, HSBC Private Banking Holdings (Suisse)  
S.A., and HSBC Private Bank (Suisse) S.A. and with  
authority from attorneys for the other Defendants*

TO: All Counsel of Record (via ECF)